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AFBF supports the Chambliss-Kyl amendment and we urge your fellow Senators to vote for this proposal when it is considered in the Senate.

Sincerely,

BOB STALLMAN,

President.

Mr. KYL. Let me read the opening to give a flavor of what the American Farm Bureau Federation is saying:

The American Farm Bureau Federation strongly supports the Chambliss-Kyl amendment and urges its adoption when it is considered on the Senate floor. This amendment would provide U.S. agriculture a clear, simple, timely and efficient H-2a program to fill seasonal and temporary jobs for which there is a limited U.S. labor supply. . . .

This measure also deals sensibly and fairly with illegal immigrants who are now working in agriculture, who meet strict criteria and pose no security threat.

This amendment does not grant amnesty to illegal aliens. . . .

The Chambliss-Kyl proposal strikes a reasonable balance among employers, hard-working employees who are striving to better themselves and the need and obligation of our country to control the flow of immigrants.

The American Farm Bureau Federation supports the Chambliss-Kyl amendment and we urge your fellow Senators to vote for this proposal when it is considered in the Senate.

In summary, we are going to have two proposals before us, one offered by the Senators from Massachusetts and Idaho. We urge you reject that proposal because it is not something that is ever going to become law. It provides amnesty for illegal immigrants here. The other is our proposal, which enables us to have a good, workable system for agricultural labor. It can pass both bodies, and it does not include amnesty.

I note when we begin debate on the supplemental appropriations we will have more of an explanation of what we have offered to our colleagues, but at least this way we have opened up the subject.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

CHANGING SENATE RULES

Mr. NELSON of Florida. Mr. President, I have had the pleasure of working with the Senator from Arizona in the finest tradition of the Senate, in bipartisanship. We are working together on an issue that is of great concern to the country, and that is the estate tax and whether it should be eliminated; if not totally eliminated, we are working on the prospect of having a significant exemption and doing something about the balance of a taxable estate as to what would be the actual rate at which the remainder of the estate would be taxed.

I raise this issue, although this is not the subject of my statement to the Senate, because I am following the distinguished junior Senator from Arizona. It has been my privilege to work with him in trying to achieve a bipar-

tisan consensus. What I wish to talk about is achieving consensus in a town that is increasingly polarized by excessive partisanship and excessive ideological rigidity. This is a town in which it has gotten to the point, as told by Lesley Stahl, the CBS reporter, the other night, of an experience she had at a dinner party with nonelected officials—just normal folks at a dinner party in New York. The discussion turned to matters having to do with the subjects we are dealing with here in the Congress, and all of a sudden the mood in that salubrious dinner party turned hostile. People were starting to shout at each other, and any sense of civility was suddenly gone.

I worry about that here in the most collegial of all parliamentary bodies in the world—this one, right here, the Senate. It has been such a great privilege for me to be a part of it. Yet, as I see, as the debate is approaching, everything is so partisan and everything starts to take on the tinge of “it’s either my way or the highway.” That is not only not how this Nation has been governed under the Constitution for 217 years, that is, indeed, the very birth-right we have had in this Nation—compromise, compromise, and bringing together consensus in order to have a governing ability to function. That was how we came out with the Constitution that we did in that hot summer session of the Constitutional Convention in Philadelphia back in 1787. Yet I wonder if we are losing some of that glue that brings us together and has us start drawing up consensus by reaching out to the other Senators and molding our ideas together in order to govern a very large country, a broad country, a diverse country, a complicated country.

You can’t do it with just one opinion.

I have heard some of the statements when I have been interviewed on programs such as CNN and FOX. There were other Senators on these programs with me. I shake my head, wondering how someone could say those things.

It is this question this Senate is going to face, whether the rules of this body are going to be changed in order to cut off the ability of a Senator to stand up and speak for as long as he or she wants on a subject of importance to that Senator, and whether that ability, known as a filibuster, is going to be taken away from us.

What is the history of the filibuster? If you think about how the filibuster works in the Senate, 217 years ago there was no limitation on a Senator being able to stand up and speak. For over a century, the rules provided a Senator could not be cut off. Early in the last century, that was changed so that if 67 Senators voted to cut off debate, then the debate would be closed. That was a supermajority.

Later on—sometime, I believe, in the 1960s—that threshold of 67 was lessened to 60. That is the rule we operate under now. A Senator can stand up and talk and talk and talk. The ability to speak

in this body is such that the filibuster helps to encourage compromise. It is saying to the majority that because they have an idea, they can’t force that idea unless they get 60 votes, and that causes the majority to have to listen to the minority. It brings about encouragement of compromise.

I don’t think we ought to do away with the filibuster. Yet that is what the Senate is about to do, if the rules are amended.

Interestingly, the rules of the Senate say it takes 67 Senators to amend the rules. But we all have been told of a plan whereby the Presiding Officer, the Vice President of the United States—and the majority leader would make a motion and the Chair, the Vice President, the President of the Senate, would rule, and a 51-vote majority would change the rules of the Senate. It is my understanding that the Parliamentarian of the Senate has in fact stated you can’t change the rules that way. Yet it looks as though the majority leader, encouraged by the majority, is going to try to change the rules—not according to the Senate rules. In other words, it seems the majority is breaking the rules in order to change the Senate rules.

I don’t think that is right. I don’t think we ought to be changing the rules in the middle of the game. I don’t think it is right to overrule the Parliamentarian of the Senate, who is not a partisan official.

I think this starts to verge on the edges of riskiness, if we start operating this Senate under those kind of rules, rules that are breaking the rules in order to change the rules.

Another way you could put it is that we talk about the majority is threatening to break the rules to win every time. Is that what the Senate is all about? Isn’t the Senate about the majority having to consult the minority, because under the rules of the Senate, minority rights are protected so the majority cannot completely run over the minority? Isn’t that what is the history and precedent of 217 years in the Senate? I think the history of this body would show that is the case, especially if we get to the point that this body is going to overrule the Parliamentarian. I think that is verging on an abuse of power of the majority.

Remember also a truth—that today’s majority will be tomorrow’s minority, and the minority should always be protected.

There is another reason; that is, this group of political geniuses who happened to gather in Philadelphia back in that hot summer of 1787 created a system that had indeed separation of powers—that no one institution or one person in the Government of the United States could become so all powerful as to mow over other persons in the institution.

In that separation of powers of the executive from the legislative and from the judicial, they also created checks and balances inherent in the Constitution so that power cannot accumulate